

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

MELISSA MCGURREN,

Plaintiff,

v.

HUBBARD RADIO CHICAGO, LLC,

Defendant.

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Civil No. 1:21-cv-6287

NOTICE OF REMOVAL

Defendant Hubbard Radio Chicago, LLC (“Hubbard”), by and through its attorneys, Winston & Strawn LLP and Mandell Menkes LLC, and pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, hereby removes this action from the Circuit Court of Cook County, State of Illinois, where it is pending, to the United States District Court for the Northern District of Illinois. In support of its Notice of Removal, Hubbard states as follows:

1. On or about October 14, 2021, Plaintiff filed a Complaint in the Circuit Court of Cook County, State of Illinois, captioned *Melissa McGurren v. Hubbard Radio Chicago, LLC*, Case No. 2021-L-010121 (the “State Court Action”). (*See Ex. A.*)

2. On October 26, 2021, Defendant, through its service processor, accepted service of the Summons and the Complaint. (*See Ex. B.*) Attached hereto as Exhibits A and B are copies of all process, pleadings and orders received by Defendant in the State Court Action.

3. In the State Court Action, Plaintiff brings a claim for defamation *per se* pursuant to Illinois common law. (*See Ex. A, Compl. ¶¶ 21–40.*)

DIVERSITY JURISDICTION – 28 U.S.C. §§ 1332, 1441 & 1446

4. This Court has diversity jurisdiction over the State Court Action under 28 U.S.C. § 1332 because this is a civil action where the matter in controversy exceeds \$75,000 and is between citizens of different states.

5. Plaintiff is a citizen of Illinois. (*Id.* ¶ 1.) Defendant is a Delaware limited liability company. (*Id.* ¶ 2.) Defendant’s sole member is Hubbard Radio, LLC, which is a Delaware limited liability company. Hubbard Radio, LLC’s sole member is Hubbard Radio Holdings, LLC, which is a Delaware limited liability company. Hubbard Radio Holdings, LLC’s sole member is Hubbard Broadcasting, Inc., which is a Minnesota corporation with its principal place of business in Minnesota. Accordingly, Defendant is a citizen of Minnesota.

6. Plaintiff’s Complaint expressly provides that in addition to seeking compensatory and emotional distress damages, Plaintiff is also seeking punitive damages in an amount “not [] less than \$10,000,000.” (*Id.* ¶¶ 38–40.)

7. Because Defendant has diverse citizenship from Plaintiff and the amount in controversy exceeds \$75,000, removal of this entire cause of action is therefore appropriate.

PROCEDURAL REQUIREMENTS

8. Removal to this Court is proper pursuant to 28 U.S.C. § 1441(a) because the United States District Court for the Northern District of Illinois, Eastern Division, is the federal judicial district embracing the Circuit Court of Cook County, Illinois, where the State Court Action is pending.

9. Defendant is entitled to remove the State Court Action within 30 days after service of the initial pleading. *See* 28 U.S.C. § 1446(b). The Summons and the Complaint in the State Court Action were served on Defendant on October 26, 2021. (*See* Ex. B.) Therefore, Defendant’s Notice of Removal is timely because it is being filed with the United States

District Court for the Northern District of Illinois within 30 days after Defendant was served with Plaintiff's Complaint.

10. Attached hereto as Exhibits A and B are copies of all process, pleadings and orders received by Defendant in the State Court Action. *See* 28 U.S.C. § 1446(a). Defendant has paid the appropriate filing fee to the Clerk of Court upon the filing of this Notice of Removal.

11. Defendant will promptly serve upon Plaintiff, and file with the Clerk of the Circuit Court of Cook County, written notice of this Notice of Removal. Defendant will also file with the Clerk of the Circuit Court of Cook County a Notice of Filing of Removal to Federal Court pursuant to 28 U.S.C. § 1446(d). A copy of the Notice of Filing of Removal to Federal Court is attached hereto as Exhibit C, with its exhibits omitted.

12. The Notice of Removal is signed pursuant to Fed. R. Civ. P. 11. *See* 28 U.S.C. § 1446(a).

CONCLUSION

13. Based on the foregoing, this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1332, and the State Court Action may be removed to this Court under 28 U.S.C. §§ 1441 and 1446.

14. In filing this Notice of Removal, Defendant does not waive, and specifically reserves, any and all objections as to service and personal jurisdiction, defenses, exceptions, rights and motions.

WHEREFORE, this action should proceed in the United States District Court for the Northern District of Illinois, as an action properly removed thereto.

Dated: November 23, 2021

Respectfully submitted,

HUBBARD RADIO CHICAGO, LLC

By: /s/ Michael P. Roche
One of Its Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on November 23, 2021, I caused a true and correct copy of the foregoing to be served on the following counsel of record for Plaintiff via email and FedEx:

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/s/ Kara E. Cooper

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